



THE CORPORATION OF THE TOWN OF AMHERSTBURG
OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

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To: Mayor and Members of Town Council

Subject: TRUE Festival

1. RECOMMENDATION:

It is recommended that:

1. The proposed TRUE Festival Program **BE APPROVED**;
2. The TRUE Festival **BE EXEMPT AND PERMITTED** for road closures to begin prior to 5pm;
3. An exemption **BE GRANTED** to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for the following public events in the Kings Navy Yard Park;
4. An exemption from table number 3-1-2 of Noise By-law #2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music **BE GRANTED** for the TRUE festival; and,
5. The TRUE Festival **BE DEEMED** as a municipally significant event for the purpose of applying for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO).

2. BACKGROUND:

On May 31, 2019, the Town of Amherstburg submitted a grant application for the Canadian Experiences Fund to the Federal Economic Development (FED DEV) Agency for Southern Ontario. The Town of Amherstburg was successful in receiving approval for \$250,000 in funding to enhance winter economic development through facility

improvements (infrastructure) and expansion of the River Lights Winter Festival. This report outlines the programming description as outlined in the FED DEV agreement.

Municipalities play a key role in combatting discrimination against LGBTQ2+ individuals. Fostering equality and respect for all citizens is a role that belongs to all levels of government under Canada's Charter of Rights and Freedoms as well as under human rights codes at various levels. Municipalities have a responsibility to govern service delivery in a way that is inclusive and accessible, to ensure the safety of residents and to promote a sense of belonging and inclusiveness. Attached to the report for Council's review is the LGBTQ2+ Inclusiveness- Toolkit for Inclusive Municipalities in Canada and Beyond that was developed by the Canadian Commission for UNESCO- Coalition of Municipalities to assist municipalities in meeting their responsibilities.

Noise Exemption

Noise By-law #2001-43 prohibits the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound in residential, commercial and agricultural areas.

Notwithstanding anything contained in the Noise By-law, a person may apply to Council for an exemption from any of the provisions of the Noise By-law with respect to any source of sound or vibration. Council, by resolution, may grant the exemption applied for and can impose terms and conditions as Council deems appropriate.

As per the Noise Policy if an event affects a large number of residents or community at large, an ad will be placed in the local paper for one week advising of the noise exemption request and provide residents an opportunity to submit their concerns.

Administration is recommending that Council approve the event and noise exemption at this time. Administration will place an ad in the local paper and if there are concerns or objections to the noise exemption, Administration will draft a report for the January 27th Council meeting advising Council of those concerns for their review.

Road Closures

At the January 25, 2016 Council meeting, Council passed the following motions:

"That:

- 1. The use of the Downtown Core for Festivals and Events subject to the criteria established in the Town's Festival and Events Policy BE APPROVED; and,*
- 2. Road closures NOT BE PERMITTED prior to 5:00 pm without Council consent."*

Accordingly, the road closure request prior to 5:00 pm has been identified by Administration and are outlined below for Council's approval:

Dalhousie Street at Richmond Street to north of the Legion Parking Lot (see map) on Saturday, February 15, 2020 from 3:00 p.m. to Sunday, February 16, 2020 at 12:00 a.m.

Park Use Exemption

By-law #2004-89 regulates the use of Kings Navy Yard Park and designated it a passive park. Section 3 of By-law 2004-89 states the following:

“Public, private and non-profit functions will be allowed by permit. This will protect the grounds, the gardens, sprinkler system and facilities and at the same time simplify the scheduling of such events. Council retains final discretion in the awarding of permits.”

The Town does not issue a physical permit to allow these types of functions listed in the Kings Navy Yard Park; however, Section 3 implies that these types of functions would be permitted upon application, with Council’s approval.

A Council approved exemption is required for Section 3, of By-law 2004-89 to allow the True Festival event to proceed in Kings Navy Yard Park.

Special Occasion Permit

In accordance with the conditions of a Special Occasion Permit (special occasion liquor license) issued by AGCO, a resolution of Council is required designating the event as one of municipal significance. This is a condition of the AGCO if the requesting organization does not have charitable or non-profit status.

3. DISCUSSION:

The project description and purpose of the grant is as follows:

1. To support economic diversification during the tourism winter season, by further supporting development of alternative tourism driven activities and attractions:
 - To increase visitation including day trips and overnight stays.
 - To increase visitor spend with a longer event.
 - To increase opportunity for local museums and galleries to increase their visitation and experiences by including them in our programming.
2. To expand awareness of Amherstburg as a premier year round tourist destination.
3. To educate visitors in Canadian culture through festival programming.
4. To attract LGBTQ2+ visitors through marketing, programming and new themed light display.

The TRUE Festival in downtown Amherstburg is proposed, but not limited to, the following program:

TRUE Festival Program

- 5:00 p.m. to 10:00 p.m.
- An inclusive street dance party
- Stage with celebrity DJ
- Live performances
- Ice Sculptures
- Costume Contest
- Warming Igloo licenced area operated by a local business (yet to be determined) under the businesses own Special Occasion Permit (SOP)
- Downtown businesses promotional program in the participating stores and businesses
- Sensitivity training opportunity for businesses and Municipal departments

4. RISK ANALYSIS

TRUE Festival addresses purpose #4 of the Canadian Experiences Fund Contribution Agreement.

The risk in not meeting a term or condition of this Agreement is that the Minister may then declare that an Event of Default has occurred. This could result in not receiving full funding and may also jeopardize pending and future applications with the FED DEV agency.

5. FINANCIAL MATTERS:

As noted above, the Town's application under the Canadian Experiences Fund has been approved to a maximum of grant of \$250,000. The program in the approved application requires expenditures as follows:

Capital Costs; includes electrical upgrades and displays	\$ 175,000
Labour Costs; up to 2 contract employees for electrical and set up	43,750
Other Non-Capital Costs including new programming	<u>31,250</u>
Total	\$ 250,000

The TRUE Festival is part of the new programming component of the grant application with a funding allocation of \$31,250.

At this time Administration is still tracking all aspects of the grant and will provide the final reports to FED DEV as outlined in the Agreement upon completion of the program.

6. CONSULTATIONS:

- The Manager of Parks, Greenspaces and Naturalized Areas was consulted on this report.
- The Manager of Licensing and Enforcement was consulted on this report.
- The Fire Department was consulted on this report.
- The Amherstburg Chamber of Commerce was consulted on this report.

- Pride Windsor Essex was consulted on this report.

7. **CONCLUSION:**

The toolkit that was developed for inclusive Municipalities was developed with the input of Municipalities in an effort to support The United Nation's New Urban Agenda that was adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in 2016. The United Nations set global standards of achievement in sustainable urban development, rethinking the way we build, manage, and live in our communities.

Moving forward Amherstburg is well poised to attract new markets through an inclusive community event such as the TRUE festival. Working with businesses and in particular extending winter activity and sales is a key objective of this project.

Therefore, Administration recommends that Council endorse the TRUE Festival and approve the requested exemptions for the event.



Anne Rota
Manager of Tourism and Culture